

Initiation of Inquiry in this Area

In late December 2010, the University self-reported a violation involving preferential treatment provided to five football student-athletes who received free or reduced cost tattoos and/or sold their University-issued apparel or awards to an individual in the Columbus area. Representatives from OSU and the NCAA Enforcement Staff conducted interviews in the spring and summer of 2011 related to this self-report and other information. The self-reported information was reviewed by the NCAA Division I Committee on Infractions (COI) during its August 2011 hearing.

Prior to the hearing, in a July 14, 2011, letter from NCAA Director of Enforcement Stephanie Hannah to NCAA Director of the Committees on Infractions Shep Cooper, Hannah indicated that while “additional issues remained for investigation,” it was the position of the Enforcement Staff and the institution that the hearing would go forward because the “available evidence does not warrant additional allegations.” Subsequent to the hearing, representatives from OSU and the NCAA Enforcement Staff conducted additional interviews based on information that had been reported during the previous interviews concerning other possible violations of NCAA legislation. The interviews resulted in part with the two allegations in the Supplemental Notice of Allegations. More specifically, in reference to an issue discussed during an interview with prior to the hearing, the Enforcement Staff requested bank records. Upon receipt of these records, a check dated February 19, 2010, to for the amount of \$200 from Independence Excavating was discovered. This check was deposited by in his checking account. Shortly thereafter, and refused interview requests from OSU and the NCAA. He was never questioned about his employment at Independence Excavating and was subsequently disassociated from the University for his failure to interview. (See Exhibit 3-1).

As a result of this check deposited by , other student-athletes’ bank records were reviewed, and questions were asked in all subsequent interviews with student-athletes about possible employment at Independence Excavating or any of its affiliated companies. During these interviews, several student-athletes reported that they met Robert DiGeronimo, an executive with Independence Excavating who also I-2 was a representative of the University’s athletics interests, at an annual charity event held in February by Cornerstone of Hope.

The information reported by the student-athletes concerning the charitable event or their employment at Independence Excavating resulted in the acknowledged violations above. On September 1, 2011, the University submitted its restoration request to the NCAA Student-Athlete Reinstatement Staff involving the three student-athletes’ receipt of funds at the charity event in February. On October 3, 2011, the University submitted its request for the student-athletes’ reinstatement for their receipt of excessive wages. These requests are included in Exhibit 3-2.

Overview of DiGeronimo’s Involvement with the Institution

DiGeronimo was a representative of the University’s athletics interests until he was disassociated by the University in a letter dated September 20, 2011 (See Exhibit 3-3). DiGeronimo had contributed over \$72,000 to the athletics department since 1988 and has had season tickets in football for numerous years. DiGeronimo was a member of a group that the University called “Committeemen” who assisted in the institution’s recruiting efforts during the time period when that was permissible under NCAA legislation (before

the mid 1980's). The institution ceased using the Committeemen prior to the legislation prohibiting their use. Members of that group had contact with the institution's coaching staff members because of their recruiting efforts. DiGeronimo lives in Independence, Ohio, a suburb of Cleveland and an approximately two-hour drive from the University's campus. According to the Independence Excavating website, the DiGeronimo family has been in the construction/excavating business since 1956, and Independence Excavating is one of several companies operated by the DiGeronimo family.

John Cooper was the institution's head football coach from 1988 to 2000. He occasionally allowed certain individuals access to the football locker room and sideline. DiGeronimo was one of these individuals. Shortly after Jim Tressel became head football coach in 2001, Tressel began restricting the number of non-OSU employees who had access to the locker room. These individuals, including DiGeronimo, subsequently were prohibited from being present in the locker room.

Effective 2006, under the direction of Director of Athletics Gene Smith (who had been at the institution for approximately one year), a new policy for sideline access was implemented. Only media and other working personnel were allowed to be on the sideline for the game – with the exception of former OSU players who I-3 are participating in the NFL. Under this policy, DiGeronimo and others were prohibited from sideline access.

During this time period, DiGeronimo also occasionally brought lunch during the football season to the football coaching staff members. In 2005, Tressel told DiGeronimo to discontinue this practice. DiGeronimo also occasionally provided meals to the men's basketball staff or other athletics department staff members. Smith told DiGeronimo to discontinue this practice to all athletics department staff members in 2006. These meals were discontinued to eliminate the possibility that student-athletes might eat the food, which would have been an NCAA violation.

During the early 2000s, DiGeronimo also employed student-athletes at Independence Excavating or one of its affiliates. The majority of these student-athletes were from the area. As will be detailed later in this response, the University was aware that a few student-athletes were employed until 2006, around the same period when it told DiGeronimo to discontinue certain activities with the athletics program.

In the spring of 2005, the University became aware that then former head football coach John Cooper, DiGeronimo and two then-current student-athletes had lunch at the same time at a Columbus area casual restaurant. They arrived separately at this restaurant, it was not pre-arranged, and they simply sat together. The student-athletes and DiGeronimo reported that they paid for their own lunches, so there was no NCAA violation.

In 2006, as will be detailed later in this response, the Cornerstone of Hope charity (of which DiGeronimo was one of approximately 20 members of the Board of Directors until recently) was involved with a secondary NCAA violation because it did not complete the necessary paperwork for the institution's compliance program.

In 2006, the University did not prohibit DiGeronimo from employing student-athletes or prohibit student-athlete attendance at the Cornerstone of Hope charitable event, but reinforced the importance of registering such jobs and the charitable event with the University. Nevertheless, after this secondary violation involving the charitable event, the University determined that it was in the best interests of the University and its student-athletes if DiGeronimo did not spend time in university athletic facilities or around the

athletic programs and personnel. The University told DiGeronimo to discontinue bringing lunches to I-4

coaches, to discontinue coming to the athletic facilities, to not be around the program, and to read and abide by the NCAA rules education the institution regularly sent to him. From 2006 to the present, DiGeronimo was not seen around the University's facilities. Recent interviews with several coaching staff members confirm DiGeronimo's absence from the locker room, sidelines, and coaches' offices. From the University's perspective, he was told to stay away from athletics facilities, and it appeared that he did. Based upon the recent interviews with the student-athletes, while the institution's efforts prohibited his access to certain institutional facilities, he contacted the student-athletes directly. This link to the student-athletes usually occurred when upperclassmen on the football team from the area would inform other student-athletes about the opportunity to be employed at one of DiGeronimo's companies or attend a charity event in which DiGeronimo was involved. This resulted in these student-athletes subsequently informing other student-athletes of this opportunity.

In the current inquiry, despite several written, in-person, and telephonic requests from the NCAA Enforcement Staff and the University to DiGeronimo or his counsel, DiGeronimo refused to be interviewed. As a result of his failure to cooperate, he was disassociated. This disassociation occurred prior to the University's determination that Independence Excavating had paid several student-athletes for more hours than they actually worked.

Corrective and Punitive Actions Imposed by the Institution

As a result of the acknowledged violations in this response, the institution has or will:

- _Reduce the number of initial scholarships awarded in the sport of football by a total of five over the 2012-13, 2013-14, and 2014-15 academic years.
- _Disassociated DiGeronimo for 10 years from any involvement with the University's athletics program. This disassociation includes:

- i. The receipt of any monies from him;
- ii. Prohibiting him or any associated companies from employing any Ohio State student-athletes;
- iii. Prohibiting him from purchasing season tickets from Ohio State for any athletic event;
- iv. Prohibiting him from access to complimentary tickets, including but not limited to, the following sources: current student-athletes, coaches, current suite holders, or alumni members;

I-5

- v. Prohibiting any contact between him and Ohio State student-athletes;
- vi. Prohibiting any contact between him and Ohio State coaching staff members or other administrative staff members; and
- vii. Prohibiting his attendance at any practice or competition of any athletics contest on the University's campus.

- _Disassociated for 5 years from any involvement with the University's athletics program. This disassociation includes:

- a. Prohibiting him from providing any financial or other assistance that supports the

recruitment of prospects or enrolled student-athletes;

ii. Prohibiting him from being provided directly or indirectly any benefit or privilege that is not available to the general public (among others, this means that he cannot have access to complimentary tickets from current or former student-athletes, coaches, current suite holders, or alumni members); and

iii. Prohibiting him from using any athletics department facilities (except for SASSO for tutoring and other services, if he returns to the University).

– _Prohibited all student-athletes from attending the Cornerstone of Hope event, effective September 2011.

– _Continue to educate student-athletes, coaches and staff about the necessity to report any employment (paid, volunteer, or temporary) to the compliance office as required by athletics department policies.

– _Continue to develop the electronic system (Assistant Coach Systems LLC) that was started during the 2009-10 academic year to electronically gather both retrospective and prospective employment information on a more frequent basis. The institution anticipates that the system will be implemented during the 2012-13 academic year. The system will make it more convenient for student-athletes to register employment and will, in particular:

i. Allow student-athletes to electronically register employment;

ii. Create a more efficient method for electronically communicating with employers and allow the compliance office to monitor employment more efficiently and frequently;

iii. Establish an automated tracking system for employment information; and

I-6

iv. Create an historical employment record for each student-athlete which will require him or her to electronically verify involvement at both previous and future jobs (and verify whether or not they have any employment) at least three times per year.

– _Review and revise, if necessary, the institution's department-wide program for student-athlete employment. This includes a review of educational efforts for student-athletes, athletics department staff members, and employees and an assessment of the institution's system to detect and monitor such employment. Although the jobs discussed in this report were not registered with the institution's monitoring program and the violations herein may have occurred even if the student-athletes had registered such employment, the University believes it is appropriate to closely review the program.

– _Review and revise, if necessary, the institution's system to identify, educate, and monitor those individuals not employed by the institution who have or had frequent access to or contact with coaches and student-athletes.

The institution reminds the COI that the University previously has taken the following punitive actions:

a. Imposed a two-year probationary period effective July 8, 2011;

b. Vacated all of the 2010 football season victories, including the 2011 Sugar Bowl game;

- c. Vacated the co-championship of the Big Ten Conference for the 2010 season;
- d. Has donated its share (\$338,811) of the Big Ten's proceeds for the 2011 Sugar Bowl to local Columbus area charities. (While all student-athlete eligibility issues had been resolved for the violations acknowledged in the initial self report in December, 2010, the institution imposed this forfeiture as a punitive action); and
- e. Sought and accepted the resignation of then Head Football Coach Jim Tressel.

Please reference Pages 4-1 and 4-2 of the institution's response for a complete listing.

Conclusion

The University appreciates the assistance of the Enforcement Staff in the review of this additional information. It requests that the COI accept this finding and self-imposed sanctions and impose no further action.³⁻¹

3. [NCAA Bylaws 12.4.1, 12.5.1.1-(a), 16.02.3 and 16.11.2.1]

It is alleged that between the spring of 2009 and summer of 2011, Robert DiGeronimo, representative of the institution's athletics interests, arranged for the provision of extra benefits to nine football student-athletes worth a total of \$2,405 in the form of compensation for work not performed and cash payments. Specifically:

a. DiGeronimo arranged for football student-athletes to receive compensation totaling \$1,605 for work not performed while they were employed at Independence Excavating, a business owned and operated by the DiGeronimo family, as set forth below:

Year(s)	Student-athlete	Unearned compensation
----------------	------------------------	----------------------------------